

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TERRANCE DAVIDSON,	)	
	)	Civil Action No. 05 - 120
Plaintiff,	)	
	)	Judge Gary L. Lancaster /
v.	)	Magistrate Judge Lisa Pupo Lenihan
	)	
JOSEPH DESUTA; V. SHAFFER; JAMES	)	
MARTIN and J. MILLER,	)	
	)	
Defendants.	)	

**ORDER**

The above captioned case was initiated on February 2, 2005 by the filing of a Motion to Proceed In Forma Pauperis (Doc. No. 1) accompanied by a Complaint. It was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation (Doc. No. 8), filed on September 13, 2006, recommended that Plaintiff's complaint be dismissed for failure to prosecute. A Report and Recommendation for another case, however, was inadvertently docketed at this civil action. Unsure if Mr. Davidson received the Report and Recommendation pertaining to his case, the correct Report and Recommendation (Doc. No. 9) was filed on October 11, 2006, again recommending Plaintiff's complaint be dismissed for failure to prosecute. The Plaintiff was served at 7631 Rugby Street, Philadelphia, PA 19150. He was advised that he was allowed ten (10) days from the date of service to file written objections to the Report and Recommendation. No objections have been filed. After review of the pleadings and

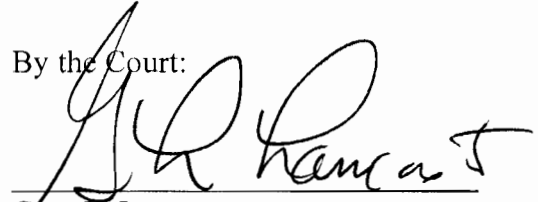
documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 27<sup>th</sup> day of Nov, 2006;

**IT IS HEREBY ORDERED** that the Complaint in this case is **DISMISSED** due to Plaintiff's failure to prosecute this action.

**IT IS FURTHER ORDERED** that the Report and Recommendation (Doc. No. 9) of Magistrate Judge Lenihan, dated October 11, 2006, is adopted as the opinion of the court.

By the Court:

  
\_\_\_\_\_  
Gary L. Lancaster  
United States District Judge

cc: Lisa Pupo Lenihan  
United States Magistrate Judge

Terrance Davidson  
7631 Rugby Street  
Philadelphia, PA 19150